

MINUTES OF  
REGULAR COUNCIL MEETING  
AUGUST 3, 1993

CALL TO ORDER: The Regular Meeting of the Galena City Council was called to order Tuesday, August 3, 1993 at 7:00 P.M. in the Council Chambers with Dale Oglesby, Mayor, presiding.

ROLL CALL: Roll call indicated the following council members present: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
ABSENT: HARPER

CITY AUDIT: Mayor Oglesby discussed the question of the dispersal of the 1992 city audit. He said he regretted it was released to the news media prior to council members having received a copy. However, when Mr. Mense informed the council at the meeting on July 20, that copies were available in the City Clerk's Office, it became public records.

MINUTES: Moved by BYRD, seconded by HAYES to approve and place on file the minutes of the Regular Council Meeting of July 20, 1993  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

Moved by BURKYBILE, seconded by ADAMS to approve and place on file the minutes of the Special Council Meeting of July 22, 1993.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

WATER GRANT ADMINISTRATOR: Moved by BYRD, seconded by BURKYBILE to contract with SEK Regional Planning Commission to administer the city's 1993 CDBG grant for a water project.

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AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.

GRANT AGREEMENT:

Moved by BURKYBILE, seconded by  
ALLEN to submit the 1993 CDBG  
Grant Agreement to the Kansas  
Department of Commerce.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.

LABOR STANDARDS OFFICER:

Moved by BURKYBILE, seconded by  
ALLEN to appoint Paula Raskopf of  
the SEK Regional Planning  
Commission as Labor Standards  
Officer for the 1993 CDBG Water  
Grant.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.

FAIR HOUSING CONTACT:  
AUTHORIZED SIGNATURES:

Moved by BURKYBILE, seconded b  
Moved by BURKYBILE, seconded by  
BYRD to appoint Mayor Dale Oglesby  
and City Clerk, Jeanie Holstrom to  
act as official representatives of  
the 1993 CDBG Water Grant Project.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.

SELECTION OF ENGINEER:

The council reviewed the Request  
for Qualifications, for  
engineering services, received for  
the 1993 CDBG Water Project. The  
tally sheets were completed with  
Engineering Management Consultants  
receiving the highest rating.

Moved by SCOTT, seconded by  
BURKYBILE to negotiate a contract  
with Engineering Management  
Consultants on the 1993 CDBG Water  
Project contingent upon the grant  
agreement being approved by the  
Kansas Department of Commerce.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.

CLARK STREET PROPERTY:

The Industrial Development  
Committee met with Larry Courtney  
and Jim Turley concerning the  
lease of the city's property on  
Clark Street.

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Mr. Courtney desires to lease/purchase the property to allow him to erect bins to store sand on the property. A company out of Oklahoma currently comes to Picher, Oklahoma to purchase chips from Humble Sand. They could bring river sand on to Galena, Mr. Courtney would purchase it and resell it either in this area or Kansas City. He would put one part time employee into a full time position immediately and would move his other part time employees to full time as they are needed. Black coal slag would not be moved to the property.

Mr. Turley desires to lease/purchase the property to expand his floral business. He currently leases the property just East of the city property. He provided council members with copies of letters from his customers showing their support in his expansion of the business. He currently has 8 employees. Last year he employed up to 20 people.

The committee recommends Mr. Courtney be allowed to lease purchase the land. The city had contracted with Mr. Turley earlier and he had not be able to improve the property as agreed in his contract.

Moved by BURKYBILE, seconded by ALLEN to contract with Larry Courtney on the lease purchase of city property on Clark Street.  
ROLL CALL VOTE:  
AYES: BURKYBILE, ALLEN  
NOT VOTING: GABRIELSON  
NAYS: HAYES, SCOTT, BYRD, ADAMS, WARD  
Motion failed.

Moved by WARD, seconded by ADAMS to contract with Jim Turley on the lease purchase of city property on Clark Street.  
ROLL CALL VOTE:  
AYES: ADAMS, WARD  
NOT VOTING: GABRIELSON  
ABSTAIN: SCOTT  
NAYS: HAYES, BURKBYILE, BYRD, ALLEN  
Motion failed.

EXECUTIVE SESSION:

Moved by BURKYBILE, seconded by SCOTT to enter into executive session for 30 minutes to discuss personnel.

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AYES: GABRIELSON, HAYES SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.  
Entered executive session at 8:07  
P.M.  
Returned at 8:37 P.M.

CALL TO ORDER:

Mayor Oglesby called the meeting  
to order

ROLL CALL:

Roll call after executive session  
indicated the following council  
members present: GABRIELSON,  
HAYES, SCOTT, BURKYBILE, BYRD,  
ALLEN, ADAMS, WARD  
ABSENT: HARPER

EXECUTIVE SESSION:

Moved by BURKYBILE, seconded by  
SCOTT to enter Executive Session  
for 25 minutes to discuss  
personnel with Judge Wayne Wert,  
Officer Robert Lawrence, and City  
Attorney Gene Barrett remaining.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.

Entered Executive Session at 8:40  
P.M.  
Returned at 9:05 P.M.

CALL TO ORDER:

Mayor Oglesby called the meeting  
to order after executive session

ROLL CALL:

*Burkybile Not Present*

Roll call after executive session  
indicated the following council  
members present: GABRIELSON,  
HAYES, SCOTT, BURKYBILE, BYRD,  
ALLEN, ADAMS, WARD  
ABSENT: HARPER  
Motion declared carried.

WADE SUSPENSION:

*Burkybile Not Present To Vote*

Moved by SCOTT, seconded by ADAMS  
to suspend Chief Alan Wade for 2  
weeks with pay with Lieutenant  
Robert Lawrence to be in command.  
AYES: GABRIELSON, HAYES, SCOTT,  
BURKYBILE, BYRD, ALLEN, ADAMS,  
WARD  
NAYS: NONE  
Motion declared carried.

CARTER WATER LINE EASEMENT:

*Burkybile Returned*

A letter from Jerry Carter's  
attorney was included in council  
packets indicating that Mr. Carter  
is willing to dedicate 8 feet on  
the east side of his property for  
an alley. There is a water line  
within that 8 feet. Mr. Carter  
was not willing to provide the  
city with a survey.

The council discussed the

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conditions of the trailers on this property and the legality of Mr. Carter selling the lots without a survey for the property owners to know the description of the property they have purchased.

Moved by GABRIELSON, seconded by HAYES to table the decision on the easement until Mr. Carter or his attorney can attend the council meeting.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

Motion declared carried.

WOOD & DEWEY STREETS:

Superintendent Sills informed the council the county is nearly ready to assist with the overlay on Wood Street. He requested he be allowed to put a leveling course on the street.

Moved by BYRD, seconded by GABRIELSON to allow a leveling course for Wood Street from 17th to 22nd.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

Motion declared carried.

Moved by BYRD, seconded by HAYES to allow a leveling course for Dewey Street.

AYES: HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

ABSTAIN: GABRIELSON

NAYS: NONE

Motion declared carried.

NORTH MAIN STREET COLLAPSE:

Superintendent Sills informed the council there was a cave in on North Main Street. The city crew filled the cave in and have it ready for asphalt. He requested he be allowed to place tar oil to the railroad and Blevins to place two (2) inches of asphalt from the cave in to the railroad track. He stated the overlay of the streets is about 100 ton under the estimates. These expenses will be paid from the emergency fund grant through the county.

Moved by WARD, seconded by GABRIELSON to allow laying 2 inches of asphalt from the cave in on North Main to the railroad.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

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NAYS: NONE  
Motion declared carried.

WATER MEETING:

Information concerning a water meeting in Chanute was provided in the council packets. This meeting will provide information on Phase 2 through 5 of the new water tests being required.

RADIOS FOR PUBLIC WORKS DEPT:

Superintendent Sills requested he be allowed to purchase two Motorola M100 radios, 25 watt for the public works department at a cost of \$1072.90 installed.

The council discussed the base station in the police department needing either replaced or repaired.

Moved by BURKYBILE, seconded by HAYES to refer the purchase of the radios for the Public Works Department to the Finance Committee.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE  
Motion declared carried.

AGNES KENT RESIGNATION:

Mayor Oglesby read the resignation of Agnes Kent as School Crossing Guard. She resigned due to ill health. The council recommended she be presented a plaque.

Moved by BYRD, seconded by HAYES to accept the resignation of Agnes Kent as School Crossing Guard.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE  
Motion declared carried.

NEPOTISM POLICY:

Allen requested the city adopt a nepotism policy that would state that persons involved in decision making not be allowed to hire their immediate family.

Adams informed the council that the personnel committee is in the process of updating the city's personnel policy.

Moved by ADAMS, seconded by SCOTT to refer the adoption of the nepotism policy to the Personnel Committee.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

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Motion declared carried.

AUDITOR BIDS:

Mayor Oglesby opened three bids for the 1993 audit and the 1995 budget for the city.

Moved by BYRD, seconded by HAYES to accept the low bid of \$2995 for the audit and \$500 for the preparation of the budget.  
AYES: GABRIELSON, HAYES, SCOTT, BYRD, ALLEN, ADAMS, WARD  
NAYS: BURKYBILE,  
Motion declared carried.

815 E 7TH:

No bids had been received for the removal of the structure at 815 E. 7th. The City Clerk was requested to contact John Murray, J & J Construction and J & D Construction.

3RD & MAIN:

Mayor Oglesby informed the council that the property at 3rd & Main has changed ownership. The new owners are attempting to clear the lot.

SERVENTI RESIGNATION RESCINSION: Copies of the letter from Damon Serventi, rescinding his resignation from the police department were included in the council packets.

Gene Barret, City Attorney, informed the council that a person could not rescind a resignation after it had been acted on. If he were interested in filling the position, he would need to apply for it.

Moved by WARD, seconded by BURKYBILE to not recognize the rescission of Damon Serventi's resignation.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

FIRE DEPARTMENT APARTMENT:

Mayor Oglesby informed the council of the Fire Department's request for the city to purchase tile for the kitchen in the fire truck driver's apartment. Cost of the tile is \$189.

Moved by ALLEN, seconded by GABRIELSON to allow the purchase of tile for the fire department at a cost of \$189.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE

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Motion declared carried.

JOB SERVICE OFFICE:

Mayor Oglesby requested the council's approval of the SEKCAP office and Job Service Office being moved to the current office being used by the Municipal Court. He requested the Municipal Court be moved back to it's original location in the police department with the outside door being used and the door into the police department being secured from both sides. Persons going to the judge's office can use the door at the northwest corner of the hall.

Moved by SCOTT, seconded by WARD to approve the above changes being sure the judges office is secured.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

3RD WARD COUNCIL POSITION:

Moved by ADAMS, seconded by SCOTT to table the appointment of a Council Member to the 3rd Ward.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

Moved by BYRD, seconded by HAYES to request the applicants for the 3rd Ward Council Position attend the next regular council meeting and the position be filled at the first of that meeting.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

PUBLIC OFFENSE ORDINANCE 93-9:

Moved by ALLEN, seconded by ADAMS to approve Public Offense Ordinance 93-9.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

TRAFFIC ORDINANCE 93-10:

Moved by GABRIELSON, seconded by BURKYBILE to approve Traffic Ordinance 93-10.  
AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

VOLUNTEER POLICE DEPARTMENT:

Moved by BYRD, seconded by ADAMS to table the ordinance



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restructuring the volunteer police department.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

Motion declared carried.

DRUG TASK FORCE RESOLUTION 93-16: Moved by BURKYBILE, seconded by GABRIELSON to approve Resolution 93-16 allowing the police department to become a part of the Cherokee County Drug Task Force.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

Motion declared carried.

POLICE & COURT REPORT: Moved by GABRIELSON, seconded by ALLEN to place the police and court reports on file.)

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

Motion declared carried.

POOL REPORT: Moved by ALLEN, seconded by GABRIELSON to place the swimming pool report on file.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

Motion declared carried.

STUDY SESSION: The council discussed meeting on the off Tuesdays to discuss items which will be on the agenda. No action was taken.

PART TRACTOR TIRES: Moved by BURKYBILE, seconded by ADAMS to purchase two tires for the park tractor.

AYES: GABRIELSON, HAYES, SCOTT, BURKYBILE, BYRD, ALLEN, ADAMS, WARD

NAYS: NONE

Motion declared carried.

PAYROLL ORDINANCE 93-27A: Moved by GABRIELSON, seconded by ADAMS to approve Payroll Ordinance 93-27A in the amount of \$200.00 plus \$15.30 FICA.

AYES: GABRIELSON, HAYES, SCOTT, BYRD, ALLEN, ADAMS, WARD

ABSTAIN: BURKYBILE

NAYS: NONE

Motion declared carried.

PAYROLL ORDINANCE 93-27B: Moved by BYRD, seconded by ALLEN to approve Payroll Ordinance 39-27B in the amount of \$404.01 plus \$30.90 FICA AND \$7.67 KPERS.

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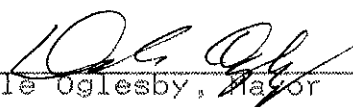
AYES: GABRIELSON, HAYES, SCOTT,  
BYRD, ALLEN, ADAMS, WARD  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 93-28: Moved by GABRIELSON, seconded by  
ADAMS to approve Payroll Ordinance  
93-28 in the amount of \$10,974.50  
plus \$839.55 FICA and \$129.21  
KPERs.  
AYES: GABRIELSON, HAYES, SCOTT,  
BYRD, ALLEN, ADAMS, WARD  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 93-28A: Moved by SCOTT, seconded by  
GABRIELSON, to approve Payroll  
Ordinance 93-28A in the amount of  
\$485.40 plus \$27.13 FICA and \$9.22  
KPERs.  
AYES: GABRIELSON, HAYES, SCOTT,  
BYRD, ALLEN, ADAMS, WARD  
NAYS: NONE  
Motion declared carried.

PAYROLL ORDINANCE 93-29: Moved by BYRD, seconded by SCOTT  
to approve Payroll Ordinance 93-29  
in the amount of \$11,086.00 plus  
\$837.22 FICA and \$129.21 KPERs.  
AYES: GABRIELSON, HAYES, SCOTT,  
BYRD, ALLEN, ADAMS, WARD  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

ADJOURNMENT: Moved by ALLEN, seconded by  
GABRIELSON to adjourn the regular  
meeting of the Galena City  
Council.  
AYES: GABRIELSON, HAYES, SCOTT,  
BYRD, ALLEN, ADAMS, WARD  
ABSTAIN: BURKYBILE  
NAYS: NONE  
Motion declared carried.

  
\_\_\_\_\_  
Dale Oglesby, Mayor

ATTEST:

  
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Jeanie Holstrom, City Clerk

(SEAL)